761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 14, 2005

SH2124993

FILE NO.: FO2144117

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY PONSFORD [redacted]

DEPUTY [redacted]

On August 1, 2004, deputies responded to a restaurant in regards to a "robbery just occurred, suspect still at location armed with a knife" call. Upon arrival, the suspect was pointed out by the victim. No knife was observed. The suspect was ordered out of the restaurant and he slowly complied. He was ordered to lay down but he refused. Deputy Ponsford positioned himself behind the suspect in order to control him to the ground, and attempted to leg sweep the suspect, and kicked the suspect's right leg but the suspect just stumbled and did not fall. The suspect grabbed Deputy Ponsford's shirt and flipped him over onto his back, slamming his head into the pavement. The suspect then punched Deputy [redacted] knocking him to the ground. During the struggle both deputies were struck repeatedly in the face and body by the suspect and knocked to the ground several times. Both deputies also struck the suspect in the face and kicked him in the groin area but it had no effect. Eventually, the suspect took hold of Deputy Ponsford's left leg and began twisting it in an apparent attempt to break it. Deputy [redacted] tried pulling the suspect off Deputy Ponsford but was unable to do so. Deputy Ponsford drew his backup pistol and ordered the suspect to stop. The suspect refused and continued to twist Deputy Ponsford's ankle. Fearing that he and Deputy [redacted] lives were in danger, and that his leg would be broken, fired one, .45 Caliber round at the suspect striking him in the upper torso, and causing him to stop his assault. The suspect collapsed to the pavement and was taken into custody without further incident.

On September 8, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by the deputies was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

TABLE OF CONTENTS

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 08-01-04	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 004-12995-2118-013	Date: 08-01-04 Time: 1745
City or Station: Lynwood	Nature of Incident: Deputy Involved Hit Shooting
Location: 11836 S. Atlantic Avenue, Lynwood, Ca. 90262	

Location Type (*circle one or more*): Backyard, Beach, Business (circled), Freeway, Industrial, Park, Parking Lot (circled), Residence, Rural, School, Street, Other: ________

Lighting (*circle only one*): Darkness, Daylight (circled), Other, Street Lights

Weather (*circle only one*): Clear (circled), Cloudy, Fog, Rain

Distance: 1 ft.

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved (circled), Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ________

Initiated by (*circle only one*): Arrest Warrant, Call (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	EM, PM (circled), Day	Regular (circled), Overtime, Off Duty
[redacted]	Barraclough	Kason	D.	EM, PM (circled), Day	Regular (circled), Overtime, Off Duty
				EM, PM, Day	Regular, Overtime, Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	----------	---------
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Mancilla	Sergio	A.	On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Malone	Alicia	M.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Williams	Terri	L.

PSTD Use Only

SH # 2124993

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 004-12995-2118-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-01-04	1757	04-14-05	

Employee #	Last Name	First Name	M.I
[redacted]	Morejon	Elier	
[redacted]	Hines	William	
[redacted]	Jensen	Curtis	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	PH					AB	AK
S#1	E#1	PH					BR	FA
S#1	E#1	PH					LC	HE
E#1	S#1	FH	HK	45	Y	Y	GS	CH
E#1	S#1	PH					NN	

See Front Side

Officer Involved Shooting
Involved Employee Information



URN: 004-12995-2118-013

Involved Employee

E 1

Employee # [redacted]	Last Name PONSFORD	First Name JAMES	M.I. N.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: CENTURY STATION	Work Assignment (Unit #, Module, etc.): 212E3
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting:	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5' 9"	Weight: 155		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

IRN: 004-12995-2118-013

Suspect Information

S 1

Last Name RODRIGUEZ		First Name MARIO	M.I. E.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 21 D.O.B. 06-20-83	Height: 5' 5" Weight: 130	FBI # [redacted]	CII # [redacted]
Booking # NONE	Primary Charge: 243 (c) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: METH
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make NONE		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE NARRATIVE

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB SH 2124993
FO2144117
URN: 004-12995-2118-037

On Sunday, August 1, 2004, at about 2000 hours, Sergeants William Hines and Elier Morejon and Lieutenant Curtis Jensen of the Internal Affairs Bureau responded to 11836 Atlantic Boulevard, Lynwood, regarding a Deputy Involved Hit Shooting involving Century Station personnel.

Lieutenant Dave Smith, Sergeant Kent Wegener, and Detectives Margarita Barron, Charles Morales, Samuel Dendekker, Scott Fines, and Boyd Zumwalt of the Homicide Bureau were also present to conduct the criminal investigation.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package. **Refer to Exhibit A**

INVOLVED PERSONNEL THAT USED DEADLY FORCE:

PONSFORD, James N., Deputy, #[redacted]
Century Station
Field Operations Region II

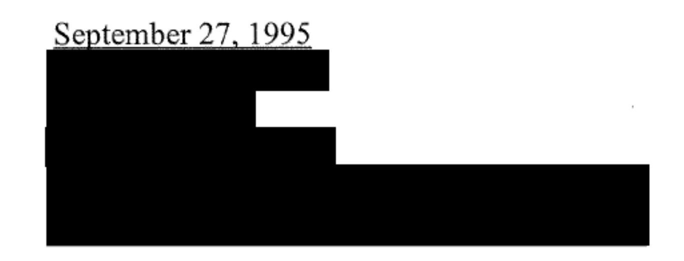
INVOLVED PERSONNEL THAT USED FORCE:

[redacted] Deputy, #[redacted]
Century Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

PONSFORD, James N.

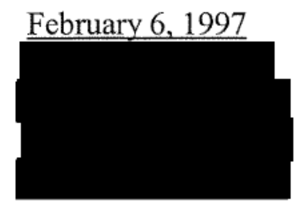
Date of Employment: September 27, 1995
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]



[redacted]

Date of Employment: February 6, 1997
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

[redacted]



SUSPECT:

RODRIGUEZ, Mario Ernesto M/H/20

Suspect Rodriguez' criminal history [redacted] **Refer to Exhibit A, Pages 98 through 115 for Suspect Rodriguez' Criminal Record**

WITNESSES:

Sworn:
Deputy Kason Barraclough

Civilian:
[redacted] (Robbery victim)
[redacted]

INJURIES:

Suspect Mario Ernesto Rodriguez received one gunshot wound to his left chest area. He was transported to St. Francis Hospital where he was admitted and treated for his gunshot wound by Doctor Edward Sims. The bullet was removed from Rodriguez and he was listed in stable condition at the time.

> **IAB Note:** Suspect Rodriguez recovered from the gunshot wound and is currently serving his sentence. **See below under Charges Filed**

Deputy Ponsford sustained contusions and abrasions on his left ankle, a bump and two lacerations on the back of his head, a laceration to the inside of his mouth and an abrasion to the right side of his face. He was transported to Charter Suburban Hospital where he was treated for his injuries.

Deputy [redacted] sustained an injury to his right knee and soreness to his back. He was treated at Charter Suburban Hospital.

PHYSICAL EVIDENCE:

One expended .45 caliber shell casing was located at the scene. **Refer to Exhibit A, Page 43 and 54 for the list of physical evidence and the location of each and Page 55 for the Scene Diagram**

INVESTIGATOR OBSERVATIONS:

The location of the shooting was at the Costa Azul Restaurant Mariscos, 11836 South Atlantic Boulevard, Lynwood. The area is business district with both businesses and residences nearby. **Refer to Exhibit A, Page 43 through 47 for a complete description of the area and also refer to Page 55 for the Crime Scene Diagram**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Ponsford fired one round from his back-up weapon: **Heckler & Koch, Model U.S.P. Compact, .45 Caliber, semiautomatic pistol, Serial Number** [redacted]

Deputy Ponsford said he carries a total of nine rounds in his back-up weapon: Eight in the magazine and one in the chamber.

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 57 for the Firearms Examiner Report**

WEAPONS USED BY SUSPECT:

Physical resistance and Personal weapons

PROPERTY DAMAGE:

None noted

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during the late afternoon hours at about 1733 hours. The weather was warm and sunny.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Homicide Bureau Detectives:
Sergeant Kent Wegener #[redacted]
Detective Margarita Barron #[redacted]

On October 21, 2004, Suspect Rodriguez appeared in Compton Court, Division 2, under case #TA075827, before Judge Xenophon F. Lang, Jr. As part of a plea agreement, Rodriguez pled "no contest" to 245(c)P.C. and 243 (c)(2)P.C. and admitted to the allegation of "Great Bodily Injury," stemming from his assault against Deputies Ponsford and [redacted] The remaining counts against Rodriguez were dismissed and he was sentenced to four years in state prison.

INVOLVED EMPLOYEE'S STATEMENTS:

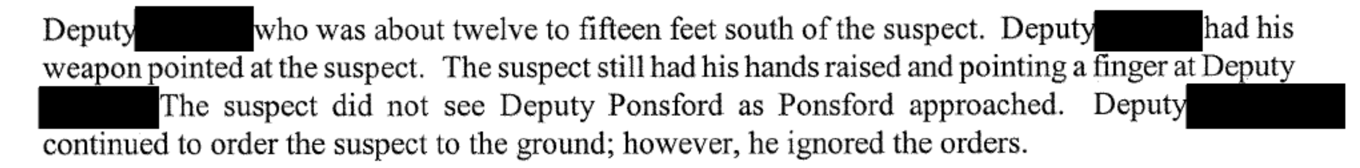
DEPUTY JAMES PONSFORD

Deputy James Ponsford was interviewed by Homicide investigators on August 1, 2004, at 2349 hours at Century Station. His attorney, Elizabeth Gibbons, from Green and Shinee, was present during the interview. Additionally, the interview was audio taped and summarized as follows:

Deputy Ponsford told Homicide investigators that at the time of the incident, he was assigned to Century Station. He was working the P.M. shift, in Unit 212E3. He started his shift at [redacted] hrs.

Deputy Ponsford was on patrol when he received a call to assist on a robbery call at 11836 Atlantic Avenue. The location was a Mexican Restaurant in which Deputy Ponsford was familiar with due to previous narcotics and weapons arrests. The call indicated that the suspect had a knife. Deputy Ponsford was directed by the handling unit, Deputy [redacted] to approach from the north.

When Deputy Ponsford arrived, Deputy [redacted] had already arrived and was on the south side of the restaurant. Deputy Ponsford approached from the north and walked along the west side of the restaurant. He looked in the window in an attempt to see the suspect. Deputy Ponsford saw the suspect standing in the main doorway of the restaurant. The main door of the restaurant faced south toward the parking lot. The suspect's hands were raised and he was pointing his finger at Deputy [redacted] Deputy Ponsford could hear Deputy [redacted] ordering the suspect several times to get on his knees. The suspect appeared "agitated" and ignored [redacted] orders and continued to point his finger at [redacted]
Deputy Ponsford said that through the window, he also saw several people inside the restaurant. As Deputy Ponsford was looking through the window, he saw a female, who he believed was the victim of the robbery, run past [redacted] and toward the suspect. Believing that the victim was going to intercede, Deputy Ponsford also approached the suspect from the west, staying close to the south wall of the restaurant. The suspect, who was blocking the door of the restaurant, was looking at



Deputy [redacted] who was about twelve to fifteen feet south of the suspect. Deputy [redacted] had his weapon pointed at the suspect. The suspect still had his hands raised and pointing a finger at Deputy [redacted] The suspect did not see Deputy Ponsford as Ponsford approached. Deputy [redacted] continued to order the suspect to the ground; however, he ignored the orders.

At this point, Deputy Ponsford, believing that the suspect was in fact the robbery suspect and that he was still armed with a knife, approached the suspect with the intention of doing a leg sweep in order to knock down the suspect. Deputy Ponsford walked up on the right rear side of the suspect and kicked the suspect in the right leg near the knee and shin area. The suspect stumbled; however, he did not fall to the ground. The suspect reached and grabbed Deputy Ponsford's shirt. Deputy Ponsford immediately spun to his right and re-holstered his weapon. Deputy [redacted] also re-holstered his weapon and both deputies "engaged" the suspect in "close quarter battle." Deputy Ponsford said that he kicked the suspect several times in the groin and upper thigh area; however, the kicks had no effect on the suspect. Deputy Ponsford said he also punched the suspect "as hard as he could" a couple of times in the face. This also did not have any effect on the suspect. Deputy Ponsford tried to grab the suspect, but the suspect was wearing a backpack, preventing Ponsford from getting any control over the suspect.

As they were both trying to get control of the suspect, the suspect punched Deputy Ponsford in the mouth. The suspect then grabbed Deputy Ponsford's shirt and pulled Ponsford over his shoulder and onto the ground, striking the back of Ponsford's head as he hit the ground. As he hit the ground, Deputy Ponsford got back up on his feet and "re-engaged" the suspect. Deputy Ponsford saw that the suspect was now on top of Deputy [redacted] Deputy Ponsford pushed the suspect off of [redacted] and the suspect then pushed Ponsford onto the ground again. While Ponsford was on his back and on the ground, the suspect grabbed his left foot. Deputy Ponsford attempted to kick the suspect with his right foot in an attempt to break free, but he was unable to do so. Ponsford could see Deputy [redacted] striking the suspect's back, but this did not have any effect. The suspect then started to twist Deputy Ponsford's foot. Deputy Ponsford rolled in the direction of the twist to counter-act the stress and pain on his ankle; however, the suspect immediately twisted his foot in the opposite direction. Deputy Ponsford said he felt a great deal of pain and thought that the suspect was either going to break his ankle or his knee. Ponsford said he actually felt that his leg was broken. He felt his ankle and knee "pop." Deputy Ponsford reached for his weapon, but he was unable to pull it out, since it was pinned beneath him. Ponsford then pulled out his back-up weapon from his front left pocket and pointed it the suspect. At the same time, he told Deputy [redacted] to back away from the suspect. After ensuring that he had a safe backdrop, with nothing behind the suspect, Deputy Ponsford again ordered the suspect to let go of his foot. The suspect ignored the order. Deputy Ponsford then fired one shot at the suspect, striking him in the chest. The suspect fell backwards onto his back, releasing his hold on Deputy Ponsford.

Deputy Ponsford immediately got up off the ground and handcuffed the suspect. Ponsford searched the suspect for the knife, but did not locate the knife. Ponsford did recover a small bag of methamphetamine and a drug pipe in the suspect's front left pocket.

> **IAB Note:** A thorough search for the knife by Homicide investigators was conducted. The knife was not located.

Deputy Ponsford saw a gunshot wound to the suspect's chest. The suspect asked, "Why did you shoot me?" Assisting units arrived and assisted at this point. The Fire Department arrived a short time later and treated the suspect. The suspect was then transported to St. Francis Hospital for treatment.

In follow-up questions, Deputy Ponsford related that a backpack was mentioned in the original call and when he first arrived, he saw that the suspect was wearing a red backpack. This led him to immediately believe that the person was the suspect.

Deputy [redacted] was able to see Ponsford approach the suspect. During the initial struggle, Deputy Ponsford said that he and [redacted] both were punching and kicking the suspect with no obvious effect. Once on the ground and the suspect had his left foot, Ponsford could see Deputy [redacted] behind the suspect and delivering "forearm" strikes to the suspect's back. The "forearm" strikes had no effect on the suspect.

Deputy Ponsford estimated that he shot upward toward the suspect at about a forty-five degree angle. He fired with his weak (left) hand. At the time, Deputy [redacted] was standing to the right of Deputy Ponsford. Deputy Ponsford added that he was "certain" that [redacted] was "clear" from the line of fire. Deputy Ponsford estimated that the struggle with the suspect lasted approximately twenty seconds. He added that "fights are tough to judge," and this one lasted "longer than normal."

Deputy Ponsford said that at the time, he was carrying oleoresin capsicum spray and a collapsible baton on his Sam Brown belt. He was not carrying his flashlight.

Regarding his frame of mind during the time that the suspect had a hold of his foot, Deputy Ponsford said, "I'm afraid that my leg is going to get broken, because of the way it was getting twisted. I was countering it [the twist], and he was smart enough to, every time I would counter it, to relieve the pressure on it, he would twist it the other way. And he was going faster than I could counter it. So in my opinion, he either knew how to fight, or knew some type of wrestling hold and knew how to keep me on the ground by holding– control of my leg and putting me on my back. So I couldn't get up and help Deputy [redacted] So my concern was that if I stayed on my back, he would either pull a knife from somewhere, cause he is already supposed to have a knife, and either cut me to ribbons or he is going to continue to fight with the knife. And having one of us on the ground, now he has

an easier fight against Deputy [redacted] When there is two of us, it's to our advantage, but with me on the ground, now I'm at a major disadvantage and Deputy [redacted] has to fight this guy. And everything we've done to him so far, has no effect, what so ever."

When asked, Deputy Ponsford said that during the initial fight with the suspect when [redacted] was pushed from the suspect, [redacted] radioed for assistance.

Deputy Ponsford said that the location of this incident is well known for narcotics and weapons. He has made several arrests at the restaurant. He added that the restaurant is "one of the top three problem spots in the whole city of Lynwood."

During the struggle, Deputy Ponsford said that his energy level had dropped to about fifty per cent, due to the extreme pain in his leg.

> **IAB Note:** On July 12, 2005, a follow-up interview was conducted with Deputy Ponsford. Also present during the interview was Mr. Richard Shinee from Green and Shinee. A transcription of his prior interview was provided to Deputy Ponsford. Deputy Ponsford read and signed the Administrative Rights Admonishment for a Shooting Review prior to his interview. During the beginning of the interview, Mr. Shinee, pointed out for the record that the interview was compelled. The interview was recorded and summarized as follows:

Deputy Ponsford related that he has recovered from the injury that he sustained to his ankle. He added that he still "feels it a little bit" when he runs. He is not aware of any permanent damage to the tendon or ligament. He was off of work for a week and on light duty for two weeks following the incident.

When asked, Deputy Ponsford said that there was communication regarding how the incident was to be handled prior to his arrival. He explained that Deputy [redacted] who was the handling unit, set up a containment on the location by directing him (Ponsford) to the north of the location, Deputy Avila to the east of the location and Deputy Barraclough to the south of the location.

Regarding the arrival of Deputy Barraclough, Deputy Ponsford explained that Barraclough arrived at the same time; however, Deputy Barraclough drove south, past the location and turned around and drove back to the location.

When specifically asked if there was any prior communication on how they were going to approach the suspect, Deputy Ponsford related that Deputy [redacted] was the handling unit and it was Deputy [redacted] who made the decisions on where to set up the containment. Deputy Ponsford added that he followed [redacted] instructions. Deputy Ponsford said that he recalled that the plan was that once the units were in position on the containment, he and [redacted] would approach the suspect together.

Deputy Ponsford said once that he was in position, he looked through the window and saw the suspect. He saw [redacted] also in position. At that point, the victim ran past him (Ponsford) around the corner toward [redacted] position and Ponsford made the decision to "get with [redacted] as quickly as he could so they could make the approach together. Specifically at that point, there was no communication between them regarding how they were going to approach and/or handle the suspect.

Regarding the victim running up, Deputy Ponsford explained that he was looking through the window on the west side of the location as the victim ran past him and around the corner of the location toward Deputy [redacted] He then heard the victim shouting and the suspect shouting. This shouting prompted him to move around the corner. Ponsford felt that a possible assault might take place at this point and he wanted to separate the victim and suspect and prevent the victim from interfering with the investigation. As Ponsford came around the corner, he saw Deputy [redacted] pushing the victim away. Deputy Ponsford immediately focused on the suspect.

Deputy Ponsford was asked to explain his reason for approaching the suspect. He answered, "Having seen the suspect and he's pointing at Deputy [redacted] and he doesn't look like he is complying. I hear Deputy [redacted] shouting at him to get on the ground and then I hear the victim shouting. I wanted to get around the corner and reinforce Deputy [redacted] and assist him the best I could." Ponsford said that he made the decision to approach the suspect.

When asked if he considered waiting for all back-up units to arrive prior to making an approach, Deputy Ponsford said that all the available units had already arrived. Ponsford said that he saw Barraclough driving up to the location at the time he and [redacted] made their approach. The plan was for him (Ponsford) and [redacted] to approach the suspect. Ponsford added that he felt they did the best they could with the four available units that they had at the time.

Regarding the attempted leg sweep on the suspect, Deputy Ponsford was asked if he communicated with [redacted] that he was going to attempt the leg sweep. Deputy Ponsford said that he made eye contact with [redacted] and having worked with [redacted] "a long time" and being familiar with each other, Ponsford felt that [redacted] knew what he (Ponsford) was going to do. Ponsford added that he did not want to verbally communicate because the suspect had not seen him and he didn't want the suspect to know he was approaching.

Deputy Ponsford acknowledged that he had his baton and O.C. spray with him at the time he approached the suspect. Ponsford also acknowledged that he believed that the suspect had the knife at the time. When asked if he considered using his baton or O.C. spray instead of the leg sweep, Deputy Ponsford said, "It was an option that I went over in my head and decided against those two." When asked why he decided not to use either one Deputy Ponsford said the following:

> "Pepper spray, first of all in this contact, the suspect has moved beyond the realm of resistive, which is where O.C. exists on the Force Chart. So he's 'high risk combative.' If

I was to use O.C., not only would I have to wait for it to be effective, if I end up having to put my hands on this person, now I'm affected as well as Deputy [redacted] and maybe the suspect, maybe not the suspect. As far as the baton goes, it would take me a second to deploy it and extend it and then I would have to have some... about six feet of room in each direction to effectively swing that, which we didn't have because we were in the doorway and there's posts, etc. around the doorway that would prevent me from getting a good swing. And then once, both [redacted] and I approach the suspect, the use of the baton is out because I may hit the suspect, I may hit Deputy [redacted] and that would be...

> **IAB Note:** At this point, Mr. Shinee completed Deputy Ponsford's sentence by asking, "Counter productive?" Ponsford said, "Yes, sir."

Deputy Ponsford was asked if he considered using his baton or O.C. after the leg sweep failed, Deputy Ponsford related that he did not based on the reasons already given, specifically, "space and time." Deputy Ponsford related that at no time during the struggle with the suspect did he feel that he could have used his baton or O.C. spray for the reasons already mentioned. He further described the struggle to take place in the confined area of doorway of the location.

When asked, Deputy Ponsford said that he had not seen the knife at this point, but he felt the suspect had it on him.

Regarding how long the struggle lasted, Deputy Ponsford said, "I think I said the entire fight may have been about twenty seconds. In terms of him twisting my ankle, maybe five to second seconds, long enough to get thrown left and right, left and right."

Regarding a possible decision of backing away when the leg sweep failed, Deputy Ponsford said that he was committed and the suspect was attacking at that point. Deputy Ponsford also acknowledged that he made the decision to approach, even though there was a possibility that the suspect still possessed the knife. He explained that he felt that he had to do something at that point and he did not want a suspect, armed with a knife, to re-enter the restaurant and possibly hurt someone.

When asked, Deputy Ponsford said that there were no less lethal weapons available at the time of the incident.

DEPUTY [redacted]

Deputy [redacted] was interviewed by Homicide and Internal Affairs Bureau investigators on August 1, 2004, at 2307 hours at Century Station. His attorney, Elizabeth Gibbons, from Green and Shinee, was present during the interview. Additionally, the interview was audio taped and summarized as follows:

Deputy [redacted] told investigators that at the time of the incident, he was assigned to Century Station. He was working the P.M. shift in Unit 212E2. He started his shift at [redacted] hours.

Deputy [redacted] said that he received a call of a "211 Just Occurred." He was the handling unit assigned to the call. He directed Deputy Ponsford to the north side of the location and [redacted] was on the south side. Deputies Avila and Barraclough were also part of the containment.

Just after he arrived on the south side of the restaurant, Deputy [redacted] saw the female victim in front, waving her hands and yelling, "He's over here!" She then walked to the front door of the restaurant, opened the door and started yelling at the suspect. Deputy [redacted] then told Deputy Ponsford that they should go ahead and approach the suspect, because the suspect could possibly harm the victim. [redacted] said he placed himself between the suspect and the victim because the suspect was now yelling at the victim saying, "Why did you call the cops, I'm going to fucking get you!" Deputy [redacted] ordered the suspect out of the restaurant at gunpoint. Deputy [redacted] could see that the suspect was agitated. [redacted] said that he kept the victim behind him in order to "shield" her from the suspect.
The suspect walked just outside of the doorway and Deputy [redacted] ordered him to his knees. The suspect said, "I ain't going to my fucking knees!" The suspect also kept yelling at the victim. Deputy [redacted] again ordered the suspect to his knees and again he refused.

As [redacted] was ordering the suspect to his knees, Deputy Ponsford, who saw that the suspect was uncooperative, approached the suspect. It was Deputy [redacted] opinion that the suspect could not see Ponsford approach because the suspect was focused on [redacted] and the female victim.

As the suspect was focused on [redacted] and the victim, Deputy Ponsford attempted a "leg sweep" on the suspect, but was unsuccessful. Deputy Ponsford then grabbed the suspect's right arm and the suspect immediately flipped Ponsford over his back. The suspect had Ponsford on the ground and started punching him. Deputy [redacted] said at this point, he engaged the suspect and "gave him a couple of punches real quick." [redacted] then stepped back and radioed that they were involved in a fight. Deputy [redacted] then returned to the fight. Using his hands and elbows, [redacted] struck the suspect several times; however, it had no effect on the suspect. Deputy [redacted] then attempted to pull the suspect backwards off of Deputy Ponsford. The suspect was wearing a backpack, causing great difficulty in pulling off the suspect. Eventually [redacted] was able to pull the suspect off by pulling on his shirt. He was then able to pull the suspect off of Ponsford. [redacted] said that at this point, he ended up on the ground, with the suspect on top of him and hitting him. Ponsford then pulled the suspect off of [redacted] and the suspect pushed Ponsford on the ground. The suspect grabbed Ponsford's left ankle and was twisting it with both hands. Deputy [redacted] said it appeared that the suspect was attempting to break Ponsford's ankle. Ponsford was ordering the suspect to release his ankle, but the suspect refused to let go and continued to twist it.

While the suspect was twisting Ponsford's ankle, Deputy [redacted] tried to grab the suspect from behind and pull him off of Ponsford again. Deputy [redacted] could not see the suspect's hands since they were tucked in front of the suspect. [redacted] could see that the suspect had Ponsford's left foot pinned between his left side and left arm. Ponsford could not free his foot from the suspect.

Deputy [redacted] said at this point, he heard Ponsford say, "Break. Get off the suspect!" Deputy [redacted] said he understood this to mean that Ponsford was about to shoot the suspect. [redacted] pushed down on the suspect and immediately stepped to the left. As soon as he was clear to the side of the suspect, [redacted] heard one gunshot. The suspect leaned back away from Ponsford and hesitated for a "few seconds," then fell backwards. The suspect was turned on his stomach and handcuffed. They immediately checked for an exit wound on the suspect to ensure that the round was accounted for. The suspect did not appear to have an exit wound.

Deputy [redacted] then requested paramedics. The suspect was transported to St. Francis Hospital for treatment.

The area was then contained for witnesses and the investigation.

During follow-up questions, Deputy [redacted] said that in the original call, the suspect was said to be wearing a red backpack that he had stolen at knife point. Deputy [redacted] said that he did not have an actual conversation with the victim when she was waving at him.

Deputy [redacted] said that he was also familiar with the restaurant. Deputy [redacted] also clarified that when he first arrived he was at the doorway and the suspect was seated inside the restaurant about eight feet from the door. The victim pointed out the suspect. He then ordered the suspect out of the restaurant. The suspect complied and walked outside a couple of steps.

Deputy [redacted] said that he recognized the suspect from a previous call about three days ago. It was a call of "Suspicious Persons/Gang Member." The suspect is a known local methamphetamine user and possible South Side Lynwood gang member. On the previous call, the suspect related that he was "bi-polar" and "strung out on meth." The suspect was self-admitted to Augustus Hawkins Medical Center, at Martin Luther King-Drew Medical Center for psychiatric evaluation. While en route to the hospital, Deputy [redacted] contacted the suspect's [redacted] who said that the suspect had recently been acting extremely aggressive and had been refusing to take his psychiatric medication. The [redacted] had "thrown" the suspect out of the house about two weeks prior. Deputy [redacted] had not had any prior contact with the victim.

Deputy [redacted] estimated that the fight lasted approximately thirty to forty-five seconds. The suspect did not attempt to get [redacted] or Ponsford's gun. Deputy [redacted] added that he did lose sight of the suspect's hands a few times during the fight. Deputy [redacted] was carrying a collapsible baton and pepper spray at the time of the incident.

IAB Note: On July 12, 2005, a follow-up interview was conducted with Deputy [redacted] Also present during the interview was Mr. Richard Shinee from Green and Shinee. A transcription of his prior interview was provided to Deputy [redacted] Deputy [redacted] read and signed the Administrative Rights Admonishment for a Shooting Review prior to his interview. During the beginning of the interview, Mr. Shinee, pointed out for the record that the interview was compelled. The interview was recorded and summarized as follows:

Deputy [redacted] related that he has recovered from his knee and back injury which he sustained during this incident. He was not off of work due to any injury.

When asked, Deputy [redacted] said that there was communication regarding how the incident was to be handled. When the call came out, Deputy [redacted] was about a block away. He set up a containment, directing Deputy Avila to the east, Deputy Barraclough to the south and Deputy Ponsford to the north. Deputy [redacted] acknowledged that there was no other communication between him and the other deputies as to how the call was going to be handled.

Regarding the containment, Deputy [redacted] said that he could see Ponsford. He could not see Avila, since she was behind the location to the east and he only recalled seeing Deputy Barraclough when they were handcuffing the suspect.

Deputy [redacted] said that on his arrival and upon seeing the victim and who he believed was the suspect inside the location, he advised Ponsford, over L-tac, to approach. Deputy [redacted] had a concern that the suspect would possibly harm the victim.

Regarding Deputy Ponsford's leg sweep, Deputy [redacted] said that he did not have any prior knowledge that Ponsford was going to attempt the leg sweep. [redacted] acknowledged that there was no verbal communication between him and Ponsford, prior to Ponsford doing the leg sweep. However, based on working with Ponsford in the past, [redacted] anticipated that Ponsford was going to approach the suspect.

Regarding a possible consideration of waiting for additional units, Deputy [redacted] said the reason for not waiting was he felt that he needed to protect the victim who had placed herself in "harm's way."

Deputy [redacted] acknowledged that he had his baton and O.C. spray with him at the time of the incident. He also felt that the suspect possibly had a knife. Deputy [redacted] said that he did not consider using his O.C. spray when he first encountered the suspect. When asked why he didn't consider it as an option, Deputy [redacted] said, "He was supposed to be armed with a knife. I don't want to... I've already got my gun out detaining him. I don't want to switch hands, go to holster up, go and try pepper spray. It's close enough distance that he could close it rapidly. He could have the

knife concealed in his waistband, or where ever he has it concealed on him, I don't know, and he could rush me at that point once he sees me trying to holster up." [redacted] added that he was approximately eight to ten feet away from the suspect at the time [redacted] related that the suspect's hands were empty at the time. Deputy [redacted] said that he did not consider using his baton on the initial contact with the suspect. When asked why, Deputy [redacted] said, "Same reason. I didn't want to holster up my firearm and give him a chance to rush me when I'm trying to switch weapons."

Regarding the option of using his baton at anytime during the fight with the suspect, Deputy [redacted] said that he did not consider using his baton because it was "too close quarters." [redacted] added, "Every thing was happening rapidly, he was actively engaged on top of Ponsford and the worry there is that I might over swing and actually connect with Ponsford versus the suspect." [redacted] also said that he did not consider using his O.C. spray during the fight because of the "close quarters." [redacted] added that it might not have an effect on the suspect and could possibly hit Ponsford.

[redacted] acknowledged that he felt that Ponsford was in danger of great bodily injury when the suspect was twisting Ponsford's ankle. When asked if he considered using deadly force on the suspect at that point, [redacted] said, "It was a consideration, but where he was... the suspect was on top of Ponsford and I'm worried about my round going errant and possibly traveling through the suspect and Ponsford." When asked [redacted] said that he did not consider any other force options at the time the suspect was twisting Ponsford's ankle.

[redacted] estimated that the suspect twisted Ponsford's ankle for approximately five to ten seconds. [redacted] estimated that the entire struggle from the point they engaged in the fight to the point that Ponsford fired was approximately thirty to forty-five seconds.

[redacted] estimated that it took Deputy Avila approximately thirty seconds to arrive after the broadcast of the fight. She arrived, along with Deputy Barraclough, as they were handcuffing the suspect.

When asked, Deputy [redacted] said that in retrospect, he would not have handled the situation any differently.

WITNESSES STATEMENTS:

Sworn:

DEPUTY KASON BARRACLOUGH

Deputy Barraclough was interviewed by Homicide and Internal Affairs Bureau investigators on August 1, 2004, at 2250 hours at Century Station. His attorney, Elizabeth Gibbons, from Green and Shinee, was present during the interview. Additionally, the interview was audio taped and summarized as follows:

Deputy Barraclough told investigators that at the time of the incident, he was assigned to Century Station. He was working the P.M. shift in Unit 212E1. He started his shift at [redacted] hours.

Deputy Barraclough was responding to the location to assist on the robbery call. As he arrived at the location, he saw Deputies Ponsford and [redacted] struggling with the suspect. Deputy Ponsford was on his back and his left leg was "up by the suspect." Deputy [redacted] was standing just to the east of Deputy Ponsford, only about one foot away. Deputy Barraclough pulled into the parking lot at the location and as he was getting out of his patrol car, he heard a gunshot. He did not witness the shooting.

Deputy Barraclough then assisted in handcuffing the suspect.

Refer to Exhibit A, Page 30 for Homicide's complete summary of Deputy Barraclough's interview

WITNESSES STATEMENTS:

Civilian:

[redacted]

> **IAB Note:** Witness [redacted] was the victim of the robbery in this incident. Regarding her account of the robbery, refer to Homicide's interview with Ms. [redacted] in **Exhibit A, Page 28**. The following is a summary of her interview regarding the shooting.
>
> **Additional IAB Note:** [redacted] **Refer to Exhibit A, Pages 91 through 97**

Ms [redacted] related that after the suspect robbed her, he went inside the restaurant. She then called 911 to report the robbery. A short time later, two police cars arrived. Ms [redacted] pointed out the suspect, who was seated inside the restaurant. The deputy approached the door with his gun drawn and ordered the suspect to "step out and drop to his knees." As the suspect walked out he responded by saying, "I ain't doing shit!" The deputy again ordered the suspect to his knees and again the suspect refused. A second deputy arrived and walked up next to the suspect.

At this point, the suspect started to fight and wrestle with both deputies. The suspect "slammed one cop on the ground, and the other cop got up on his back." Ms. [redacted] added that the suspect was "a little boy" and she didn't know how he was able to "do all that, but he did it!" She heard the deputies continue to order the suspect to "lay down" on the ground. The suspect again refused.

According to Ms [redacted] during the struggle, the suspect tried to take the deputy's gun. Regarding the fight with the suspect, Ms [redacted] said that the suspect was "winning" the fight. At some point during the fight, the suspect's red backpack fell to the ground. She estimated that the fight lasted about one minute.

As the suspect wrestled for the "bald" deputy's gun, the suspect "slipped" and "was falling on his butt and the gun went off." The deputy was sitting on the ground just prior to the gunshot. The other deputy was next to the "bald" deputy, when Ms. [redacted] heard the gunshot.

The suspect was then handcuffed and searched. According to Ms. [redacted] the suspect had "drugs" in his pocket.

Refer to Exhibit A, Page 28 for Homicide's complete summary of Witness [redacted] s interview

[redacted]

Ms. [redacted] is [redacted] at the restaurant where the incident occurred.

Regarding the shooting, Ms. [redacted] said that the police arrived and one officer told the suspect to come out of the restaurant. The officer had his gun out at the time. The suspect stepped outside and the officer ordered him to his knees, but the suspect refused. The officer reached for the suspect and the suspect pushed the officer backwards. The suspect continued to struggle with the officer and was able to place his right arm around the officer's neck, putting the officer in a "headlock." The suspect then "violently slammed" the officer's head to the ground.

A second officer arrived and also tried to control the suspect. The suspect fought both officers. While struggling on the ground, the officers kicked the suspect in the groin area three times, but the kicks had no effect.

Ms [redacted] said that during the struggle, the suspect appeared to be reaching around the area as if he was searching for a weapon. During the struggle, the suspect attempted to reach for an officer's gun. The suspect's body was on the officer's left leg, pining it to the ground. The officer was able to partially get up on his right knee. The officer then removed a gun from his left pants pocket and then shot the suspect.

Ms. [redacted] related that the suspect was in control of the fight and if he had not been shot, the officers would have lost the fight.

Refer to Exhibit A, Pages 40 through 41 for Homicide's complete summary of Ms. [redacted] interview

AREA CANVASS

Homicide investigators canvassed the area and the restaurant for witnesses and spoke to several people who either did not witness the incident or only heard a gunshot. Witness [redacted] was located during this canvas and her interview is summarized previously in this narrative.

Refer to Exhibit A, Pages 37 through 40 and 49 through 51 for Homicide's complete interviews during the canvas

SUSPECT STATEMENTS:

SUSPECT MARIO RODRIGUEZ

On August 2, 2004, Homicide investigators, Sergeant Kent Wegener and Investigator Margarita Barron drove to St. Francis Hospital in Lynwood and interviewed Suspect Rodriguez. Suspect Rodriguez agreed to speak with investigators about the incident.

> **IAB Note:** Rodriguez denied robbing the victim. He said he was only sitting on the bus bench next to the victim and she accused him of taking her money. Rodriguez referred to her as "the crack lady." He then went inside the restaurant to get something to drink. She then walked in and accused him again of taking her money. Regarding his account of the incident, refer to Homicide's interview with Rodriguez in **Exhibit A, Page 35**. The following is a summary of his interview regarding the shooting.

Suspect Rodriguez related that while he was in the restaurant, the police arrived and pointed a gun at his head and this made him "mad." Rodriguez said he went outside and the next thing he knew, he looked to his side and another deputy "dropped kicked" him "for no reason." Rodriguez said that he was following the deputy's instructions.

When asked what happened next, Rodriguez said, "I grabbed his leg and I wrestled with him, with the cop." Rodriguez said he did this because the "cop" was swinging at him and Rodriguez "didn't feel like getting hit." Rodriguez further explained that when the deputy "dropped kicked" him, he (Rodriguez) blocked the kick. When the deputy kicked him again, the deputy lost his balance. As the deputy was almost falling to the ground, Rodriguez grabbed the deputy, "so he wouldn't hit the ground as hard." At that point, the other deputy also started wrestling with him and the deputy that fell on the ground, stepped back and "started firing shots" at Rodriguez. After he was shot, Rodriguez asked the deputies, "What did I do wrong?"

Rodriguez denied flipping the deputy, adding that the deputy had flipped himself. Rodriguez said that he followed the deputies' orders to get on the ground. He then admitted that he was yelling and

swearing at the deputies because he did not want to get on the ground. He didn't want to get on the ground because he felt that he had done nothing wrong.

Suspect Rodriguez admitted that he grabbed the deputy's leg, but he did not recall twisting it.

Suspect Rodriguez also admitted that he had smoked methamphetamine just prior to the deputies arriving. He also said that he has not been taking his psychiatric medication. He denied ever having a knife.

Refer to Exhibit A, Page 35 for Homicide's complete summary of Suspect Rodriguez' interview also refer to Exhibit A, Page 23, for Supplemental Report written by Detective [redacted] In the report, Suspect Rodriguez admitted that he started fighting with the police.

MISCELLANEOUS

On February 15, 2005, the Justice System Integrity Division of the Los Angeles County District Attorney's Office completed their review of this non-fatal shooting. They found that Deputy James Ponsford acted lawfully in self-defense.

Deputy District Attorney Daniel W. Baker wrote in his conclusion: *"Deputy Ponsford was confronted with a suspect in a reported armed robbery who chose to fight, rather that submit to, two uniformed deputies. Even after Deputy Ponsford displayed his gun and ordered Rodriguez to let him go, Rodriguez persisted. Deputy Ponsford's belief that Rodriguez posed an immediate threat of great bodily injury was reasonable under those circumstances. The use of deadly force was justifiable."*

Refer to Exhibit B-District Attorney's Letter of Opinion on Deputy-Involved Shooting



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

February 15, 2005

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 04-0649
L.A.S.D. File No. 004-12995-2118-037

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 1, 2004, non-fatal shooting of Mario Ernesto Rodriguez by Los Angeles County Sheriff's Deputy James Ponsford. We have concluded that Deputy Ponsford acted lawfully in self-defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD) Homicide Bureau submitted to this office on January 11, 2005. No compelled statements were reviewed. The District Attorney Command Center was notified of this shooting at 7:55 p.m. on August 1, 2004. The District Attorney Response Team, consisting of Deputy District Attorney Daniel W. Baker and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a walk through of the scene by Lieutenant David Smith. They interviewed two witnesses in conjunction with LASD investigators.

FACTUAL ANALYSIS

On August 1, 2004, at approximately 5:35 P.M., Los Angeles County Sheriff's Deputy James Ponsford was dispatched to assist with an armed robbery call at the Costa Azul Marisco Restaurant at 11822 Atlantic Boulevard in the Lynwood area of Los Angeles County. When he arrived, he saw a male Hispanic matching the description of the armed robbery suspect, later

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identified as Mario Rodriguez, standing in the doorway of Marisco's pointing a finger at handling Deputy [redacted] who was ordering Rodriguez to his knees. Both deputies were in uniform.

Rodriguez failed to comply with Deputy [redacted] direction, so Deputy Ponsford attempted to force Rodriguez to the ground by kicking Rodriguez's legs. Rodriguez punched Deputy Ponsford in the mouth. Rodriguez then flipped Deputy Ponsford onto his back on the asphalt. Deputy [redacted] pulled Rodriguez off of Deputy Ponsford, but Rodriguez knocked Deputy [redacted] to the ground, jumped onto him and began hitting him. Deputy Ponsford pulled Rodriguez off Deputy [redacted] but Rodriguez managed to throw Deputy Ponsford to the ground, grab his leg and twist it. When Deputy Ponsford tried to relieve the pain by turning in the direction that Rodriguez was twisting his leg, Rodriguez twisted the leg in the other direction. Deputy Ponsford felt his ankle pop and believed that Rodriguez was going to break his leg.

Civilian witnesses present at the scene believed that Rodriguez was prevailing over the two deputies. [redacted] stated that during the struggle she saw Rodriguez attempt to get one of the deputies' guns. Deputy Ponsford could not reach his service weapon because Rodriguez had pinned him onto his right side. Deputy Ponsford pulled his backup pistol and commanded Rodriguez to let him go. Rodriguez refused to comply and Deputy Ponsford fired one shot into Rodriguez's chest. Rodriguez immediately released Deputy Ponsford's leg and fell onto his back. He was transported to Charter Suburban Hospital and treated for a single gunshot wound to his chest.

CONCLUSION

The use of deadly force in self-defense is permitted if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed that he faced an imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. Deputy Ponsford was confronted with a suspect in a reported armed robbery who chose to fight, rather than submit to, two uniformed deputies. Even after Deputy Ponsford displayed his gun and ordered Rodriguez to let him go, Rodriguez persisted. Deputy Ponsford's belief that Rodriguez posed an immediate threat of great bodily injury was reasonable under those circumstances. The use of deadly force was justifiable.

Therefore, it is our opinion and legal conclusion that Deputy Ponsford acted lawfully in self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Daniel W. Baker

DANIEL W. BAKER
Deputy District Attorney

c: Deputy James Ponsford, #[redacted]